

01



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,697	02/26/2001	Jean-Francois Taillens	MUNR5731	8046
7590	03/24/2005		EXAMINER	
Alan W Young Young Law Firm Suite 106 4370 Alpine Road Portola Valley, CA 94028			ORGAD, EDAN	
			ART UNIT	PAPER NUMBER
			2684	
DATE MAILED: 03/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/700,697

Applicant(s)

TAILLENS, JEAN-FRANCOIS

Examiner

Edan Orgad

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/17/2000</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Specification

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.

Art Unit: 2684

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

Claim Objections

The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Claims 2-4 & 6 are objected to because of the language "transmission space". There is no sufficient explanation in the specification to what the meaning of "transmission space" refers to. Furthermore, its not clear why the word "transmission" is used because messages are only emitted and not transmitted.

Claim 1 is objected to for using indefinite language such "typically, alternatively, optional and sufficiently close".

Claim 6, is further objected to for using indefinite language such "typically", "enabling", "able to" and "directly connected or not".

Art Unit: 2684

With respect to claims 1 and 6, examiner understands what is applicant's intentions are, however, indefinite language should be not be part of the claim.

Claim 8 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only (claim 8 depends on claim 6 AND either one of claims 1-5) See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, examiner cannot decipher any relation between the elements and/or grammar and/or connection within claim 3 and the specific relation to claim 1. Furthermore, claim 3 should be rewritten in a way that provides for a clear understanding to what applicant is inventing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2684

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Shapira (US # 5,086,394).

Regarding claims 1 and 6, Shapira teaches a method for remote connection of nomadic devices characterized by the broadcasting in the ether of selective elements of messages by at least one transmitter-receiver device in transmitting function and at least one transmitter-receiver device in receiving function in order to establish in a direct fashion, selected interactive links by means of identification keys for different sectors of activity, common poles of interest and user codes in which the respective users are connected by said devices (see abstract & col. 5, lines 18-31 & lines 58-64) comprising at least the following means: a data processing module linked directly or not by a bus to a sound or other signal generator and a memory comprising a programmable database (col. 9. lines 1-5), said devices being transmitter-receivers and broadcasting the pre-programmed database according to a standard common to the said devices, said standard comprising a nomenclature, typically tree structure, of the common goals, poles of interests an/or sectors of activity defined in the language of the person, by divisions, groups, classes and locations, consisting of: selecting one or several poles of interest and/or sectors of activity of the standard in the first device, memorizing the pole of interest and/or sector of activity selected, transmitting the assigned code to the pole of interest and/or sector of activity selected and alternately receiving the eventual codes of the standard transmitted by other devices (col. 8, lines 13-43), moving the first device until it reaches a distance sufficiently near to at least another device, alternately broadcasting and receiving one of the said codes of the standard to

Art Unit: 2684

receive the code transmitted by this second device, the communications being information chosen by any person and transmitted at any time (col. 3, lines 3-11, col. 5, lines 18-64, col. 7, lines 22-27, col. 9, lines 1-14).

Regarding claims 2 and 7, Shapira teaches that at the moment of broadcasting, the devices situated within a same operational distance form a transmission space while broadcasting and receiving alternately at least one of the said selected codes, the devices managing together the communications of the said codes by means of an appropriate communication protocol that occupies the said transmission space generated by the devices that activate, if there is code matching, a sound signal and/or the display of the parameters of the collective nomenclature in relation to the code or codes matching in each device, said display being in the programmed language (col. 3, lines 3-11, col. 5, lines 18-64, col. 7, lines 22-27, col. 9, lines 1-14).

Regarding claims 4 and 9, Shapira teaches the first device arriving at a transmission distance generated by the simultaneous operation of the devices carry out the following stages: adapting to the conversational mode then, switching alternatively master-slave mode, for broadcasting its selected codes so that the other devices carry out the following steps: entering and comparing internally the analog codes and signalling the opportunities by display and/or sound means in the case of the matching of at least one code common to the two devices (see figures 4b, 5a and 5b & col. 5, lines 18-64, col. 7, lines 22-27, col. 9, lines 1-14).

Regarding claims 5 and 10, Shapira teaches the nomenclature is modifiable and extensible by reformatting, transmitted by cable, induction or high frequency transmission, from an external programming device by setting the programming of the devices on "re-programming"

Art Unit: 2684

with the help of means of selection and/or introduction of data and the display means (col. 8, lines 13-43).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,549,768 Mobile communications matching system.

US 6,459,910 Use of speech recognition in pager and mobile telephone applications.

US 6,081,693 Television and radio information pager.

US 5,999,088 Information display pager.

US 5,809,130 System and method for selectively retrieving communications from any selected location.

US 5,724,417 Call forwarding techniques using smart cards.

US 5,515,426 Telephone communication system having a locator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2684

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4.0 3/16/05
EDAN ORGAD
PATENT EXAMINER/TELECOM